

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOSE ISRAEL GARCIA-TICAS,	§	
TDCJ-CID NO. 1609662,	§	
	§	
Petitioner,	§	
v.	§	CIVIL ACTION NO. H-13-2527
	§	
WILLIAM STEPHENS,	§	
	§	
Respondent.	§	

ORDER OF DISMISSAL

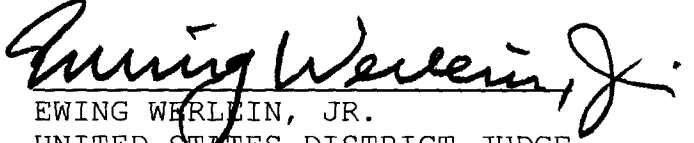
Petitioner instituted this habeas corpus action on August 26, 2013. (Docket No. 1.) On December 23, 2013, the Court ordered Petitioner to file a written statement within twenty-one days addressing the timeliness of his petition under 28 U.S.C. § 2244(d). (Docket No. 7.) To date, Petitioner still has not complied with that order, nor has he had any other contact with the court. Petitioner's failure to comply with the Court's order or to actively pursue this cause of action shows a lack of due diligence.

Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, the Court determines that dismissal for want of prosecution is appropriate. See FED. R. CIV. P. 41(b); Woodson v. Surgitek, Inc., 57 F.3d 1406, 1417 (5th Cir. 1995). Petitioner is advised, however, that upon a proper showing, relief from this order may be granted in accordance with Rule 60(b) of the Federal Rules of Civil Procedure.

Accordingly, it is ORDERED that this action be DISMISSED WITH PREJUDICE under Rule 41(b) for failure to prosecute and failure to comply with an order of the Court. See FED. R. CIV. P. 41(b).

The Clerk shall provide a copy of this order to the parties.

SIGNED at Houston, Texas, on May 30, 2014.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE